

K-4



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Council Direction Requested Regarding Response to the San Joaquin County Board of Supervisors for Armstrong Road Agricultural/Cluster Zoning Classification

MEETING DATE: June 3, 2009

PREPARED BY: City Manager

RECOMMENDED ACTION: Council direction requested.

BACKGROUND INFORMATION: In early 2007, a group of property owners south of Lodi, in the area under consideration as a community separator between Lodi and Stockton, presented to the San Joaquin County Board of Supervisors, a proposal referred to as "The Armstrong Road Agricultural/Cluster Zoning Classification." The property owners submitted the proposal as a compromise response to the long-standing community discussion of maintaining a distinct geographical difference between Stockton and Lodi.

The proposal was intended to provide a low level of development that, over time, would discourage more intense development while simultaneously enhancing agricultural-oriented tourism and direct vertically integrated agricultural marketing. This proposal was seen as a means to boost property owners' income without forcing farmers to convert all of their land to non-agricultural uses.

The Board of Supervisors received the request and asked County staff to provide additional information, such as population density, uses, infrastructure, and other impacts. The County staff responded that they lacked the time or resources to provide the information and suggested the property owners pay for the cost as any other development applicant would.

In turn, the property owners requested that the City of Lodi provide the County with the funding necessary to conduct the research. Upon further discussion between the City and the County, the County solicited proposals from consultants to research, conduct community outreach, draft proposed language, and comply with CEQA to create a Specific Plan for the Armstrong Road region. The cost, excluding County administrative fees, was under \$500,000.

In November 2008, the City Council authorized a not to exceed amount of \$500,000. Following this action, the Mayor wrote two letters to the Board of Supervisors asking that the County Board of Supervisors take up the request as Lodi had agreed to pay the County's out-of-pocket expenses.

In April 2009, the item came before the Supervisors with the recommendation that the proposal for an Armstrong Road Specific Plan be treated as a development application for the creation of a Specific Plan and the City or property owners pay all costs associated with review and processing of the application for the proposed land use classification. This recommendation not only added additional costs but required

APPROVED: 
Blair King, City Manager

that the City obtain written permission from the property owners to act as their "authorized agent." In other words, just as a private developer, the City will have to gain "site control" (Please see attached letter from San Joaquin County Community Development Department).

Considering the time and difficulty of arriving at this negative leaning decision, staff feels it would be unproductive at this time to continue along the same approach. This option has been discussed with a coalition of property owners and there is agreement.

However, there is no consensus of what the next steps are. The options are as follows:

- 1) Have the property owners ask the Board of Supervisors to consider the proposal as a part of the County's General Plan Update;
- 2) Ask the City obtain information and conduct the research needed for an informed decision of a similar proposal but, as the City would not be taking action, without the costs of CEQA;
- 3) Determine whether site control can be obtained for a smaller area directly south of Lodi; or
- 4) Take no further action and rely upon the representation by the City of Stockton that northerly development will not occur.

Staff is inclined to encourage the Council to think about developing a Scope of Services that would address the many legitimate questions that exist with regard to the Armstrong Road Cluster Proposal and solicit for professional assistance. Such a Scope of Work might include stakeholder interviews, land use inventory, existing conditions report, consensus building, draft specific plan and zoning ordinance. This would allow for an informed debate and perhaps reduce the assumptions and conjecture that currently surround this proposal.

FISCAL IMPACT: On November 19, 2008, the Council directed the City Manager make available a not to exceed amount of \$500,000.



Blair King, City Manager



**SAN JOAQUIN COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT**

1810 E. HAZELTON AVE., STOCKTON, CA 95205-6232
PHONE: 209/468-3121 FAX: 209/468-3163

APR 27 2009
CITY MANAGER'S OFFICE

April 23, 2009

Blair King, City Manager
City of Lodi, City Hall
221 West Pine Street
Lodi, CA 95240

Dear Mr. King:

Re: Armstrong Road Agricultural/Cluster Zoning Classification

On April 21, 2009, the San Joaquin County Board of Supervisors authorized the Community Development Department to send a letter to the City of Lodi clarifying the Board's position that the City of Lodi must submit the necessary applications for the creation of the Specific Plan and preparation of the Environmental Impact Report (EIR) and pay all costs associated with the review and processing of the applications for the creation of the Armstrong Road Agricultural/Cluster Zoning Classification. Two consulting firms submitted adequate proposals for preparation of the Specific Plan and EIR. Mintier Harnish's proposal is for \$483,486.00 and Augustine Planning Associates is for \$366,208.00. As both proposals meet the requirements of the Request for Proposal, the Community Development Department would like to award the contract to Augustine Planning Associates in the event that the City of Lodi elects to go forward with the project. The total cost for the Specific Plan and EIR would be \$488,108.00, based upon the consultant fee plus the County's administrative fees of 26.5% of the cost of the EIR, **plus 35%** of the cost of the Specific Plan. Enclosed **is an application form for the** Specific Plan.

Section 9-806.2 (enclosed) of the Development Title states that:

Applications for Specific Plans or Specific Plan Amendments may be initiated by the Board of Supervisors, Planning Commission, Director of Community Development, or the property owner or the property owner's authorized agent.

Since the City of Lodi will be the applicant, the City will serve as the "property owner's authorized agent." When the City submits the fees and application materials, the City also needs to submit documentation in writing from the property owners within the

Letter to Blair King
Armstrong Road Cluster Zone
April 23, 2009
Page2

proposed project area that the City of Lodi is representing them in the application process.

Please contact me if you have any questions. I can be reached at (209) 468-3140.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kerry Sullivan".

KERRY SULLIVAN,
DIRECTOR

/eel

Enclosures

c: Board of Supervisors
Manuel Lopez
David Wooten
Mark Myles

File: ClusterZone4-23-09